

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,522, 17 ta' Ottubru, 2025
Taqsim A

MALTA

ATT Nru XXXIII tal-2025

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar il-Professjonijiet tas-Saħħa, Kap. 464.

ACT No. XXXIII of 2025

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Health Care Professions Act, Cap. 464.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

17 ta' Ottubru, 2025

ATT Nru XXXIII tal-2025

ATT sabiex jemenda l-Att dwar il-Professjonijiet tas-Saħħa, Kap. 464.

Il-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Att dwar il-Professjonijiet tas-Saħħa u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Professjonijiet tas-Saħħa, hawn iżjed 'il quddiem imsejjaħ l-"Att prinċipali".

Titolu fil-qosor u bidu fis-sehħ.
Kap. 464.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data jew dati li l-Ministru responsabbli għas-saħħa jista, b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih qabel it-tifsira "edukazzjoni u taħriġ regolati" għandhom jiġu miżjuda t-tifsiriet godda li ġejjin:

" "data personali" għandu jkollha l-istess tifsira kif mogħti lilha fl-Artikolu 4(1) tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April

2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data);

"deċiżjoni" tinkludi kwalunkwe ordni jew miżura kontra persuna skont l-artikoli 32, 35 jew 38;"

(b) minnufih wara t-tifsira "Kumitat għall-Approvazzjoni ta' Speċjalisti" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

L.S. 464.20. " "Kumitat Dixxiplinarju" tfisser il-Kumitat Dixxiplinarju mwaqqaf skont ir-Regolamenti dwar Proċeduri Dixxiplinarji;"

(ċ) minnufih wara t-tifsira "Ministru" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "miżuri interim" tfisser miżuri urgenti indirizzati lil professjonist fil-kura medika jew persuna li qiegħda tiġi investigata u maħruġa mill-Kunsill rilevanti fil-kors ta' investigazzjoni jew mill-Kumitat Dixxiplinarju fil-kors tal-proċeduri dixxiplinarji minħabba r-riskju ta' dannu serju u irreparabbli lir-reputazzjoni u l-integrità tal-professjoni tal-kura medika, il-benesseri tal-parti leża jew is-sigurtà pubblika;"

(d) minnufih wara t-tifsira "raġunijiet prevalenti ta' interess ġenerali" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

Kap. 377. " "Sigriet professjonali" jew "sigriet" għandu jkollha l-istess tifsira kif mogħti lilha fl-Att dwar Segretezza Professjonali;"

Emenda tal-artikolu 31 tal-Att prinċipali.

3. L-artikolu 31 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Kunsill rilevanti għandu jkollu s-setgħa, jew meta jirċievi lment mingħand kwalunkwe persuna jew fuq inizjattiva tiegħu stess, li jinvestiga u wara, jekk iqis li hu meħtieġ, jibda proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju fir-rigward tal-allegata mġiba professjonali hażina jew allegat ksur tal-etika minn professjonist fil-kura medika li jaqa' taħt is-superviżjoni tiegħu:

Iżda l-Kunsill rilevanti għandu jikkonkludi l-investigazzjoni tiegħu dwar l-imġiba tal-professjonist fil-kura medika fi żmien tliet (3) xhur minn meta jirċievi l-ilment jew mid-data meta l-Kunsill rilevanti jiddeċiedi li jwettaq investigazzjoni fuq inizzjattiva tiegħu stess, liema perjodu jista' jiġi estiż jekk il-kwistjoni tkun hekk teħtieġ, jew jekk l-investigazzjoni ma setgħetx tiġi konkluża qabel, mingħajr l-ebda htija tal-Kunsill rilevanti, għal perjodu ulterjuri ta' tliet (3) xhur.";

(b) fis-subartikolu (2) tiegħu l-kelma "inkjesta" għandha tiġi sostitwita bil-kelma "investigazzjoni";

(ċ) fis-subartikolu (3) tiegħu l-kelma "inkjesta" għandha tiġi sostitwita bil-kelma "investigazzjoni";

(d) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-subartikolu għdid li ġej:

L.S. 464.20.

"(4) Il-proċeduri dixxiplinarji msemmija fis-subartikolu (1) quddiem il-Kumitat Dixxiplinarju mwaqqaf skont ir-Regolamenti dwar Proċeduri Dixxiplinarji għandhom jiġu konklużi fi żmien sena (1) mid-data tal-preżentata tar-rikors mill-Kunsill rilevanti quddiem il-Kumitat Dixxiplinarju u ma għandu jkun permess l-ebda differiment lil hinn mill-imsemmi perjodu ta' sena (1) hlief għal raġunijiet eċċezzjonali li għandhom jiġu reġistrati mill-Kumitat Dixxiplinarju.".

4. Minnufih wara l-artikolu 31 tal-Att prinċipali, kif emendat, għandhom jiġu miżjuda l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda fl-Att prinċipali.

"Kxif ta' informazzjoni sigrieta.
Kap. 9
Kap. 377.

31A. (1) Ma jkun sar l-ebda reat kontra l-artikolu 257 tal-Kodiċi Kriminali jew ksur taht l-Att dwar Segretezza Professjonali minn kwalunkwe persuna li tikxef in bona fide sigriet professjonali jew sigrieta sa fejn tali kxif ikun proporzjonat u raġonevolment meħtieġ:

(a) lill-Kunsill rilevanti sabiex jiġi ppreżentat ilment, jew inkonnessjoni ma' investigazzjoni li ser tkun, jew qieghda titwettaq mill-Kunsill rilevanti skont l-artikolu 31; jew

(b) quddiem il-Kumitat Dixxiplinarju fil-kors jew inkonnessjoni ma' proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju.

(2) Il-Kunsill rilevanti jista' jordna l-kxif tal-informazzjoni sigrieta minn kwalunkwe persuna marbuta bis-sigriet professjonali inkonnessjoni ma' investigazzjoni li ser tkun, jew qiegħda titwettaq mill-Kunsill rilevanti.

(3) Il-Kumitat Dixxiplinarju jista' jordna l-kxif tal-informazzjoni sigrieta minn kwalunkwe persuna marbuta bis-sigriet professjonali fil-kors ta', jew inkonnessjoni ma' proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju.

L-ipproċessar u s-sottomissjoni ta' data personali.

31B. Bla ħsara għar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jħassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data), kif emendat minn żmien għal żmien, il-ġbir, l-użu, il-ħażna u t-trażmissjoni ta' data personali:

(a) lill-Kunsill rilevanti għall-finijiet li jiġi ppreżentat ilment quddiemu, jew inkonnessjoni ma' investigazzjoni li għandha tkun, jew li qiegħda titwettaq minn tali Kunsill rilevanti skont l-artikolu 31; u

(b) lill-Kumitat Dixxiplinarju fil-perkors ta', jew inkonnessjoni ma' proċeduri dixxiplinarji quddiemu,

għandha titqies bħala miżura meħtieġa sabiex tiġi stabbilita, eżercitata jew difiża talba u l-proċeduri quddiem il-Kumitat Dixxiplinarju."

Emenda tal-artikolu 32 tal-Att prinċipali.

5. Is-subartikolu (1) tal-artikolu 32 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem "Jekk wara li tkun saret inkjesta kif imiss jirriżulta lill-Kunsill rilevanti li professjonist fil-kura medika li jaqa' taħt l-awtorità tiegħu -" għandhom jiġu sostitwiti bil-kliem "Jekk wara d-debita investigazzjoni u l-proċeduri dixxiplinarji jiġi stabbilit li professjonist fil-kura medika:";

(b) il-kliem "il-Kunsill rilevanti jista' jordna xi waħda jew aktar mill-miżuri li ġejjin, jiġifieri:" għandhom jiġu sostitwiti bil-kliem "il-Kunsill rilevanti għandu jadotta, bħala d-deċiżjoni tiegħu stess, kwalunkwe waħda jew aktar mill-miżuri li ġejjin meħuda mill-Kumitat Dixxiplinarju:".

6. L-artikolu 33 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 33 tal-Att prinċipali.

"33. Kwalunkwe investigazzjoni li titwettaq minn Kunsill rilevanti u kwalunkwe proċeduri dixxiplinarji li jinbdeu quddiem il-Kumitat Dixxiplinarju, għandhom ikunu bla ħsara għal kwalunkwe proċeduri kriminali, ċivili, amministrattivi jew dixxiplinarji oħra li jistgħu jittieħdu kontra l-persuna kkonċernata taħt id-dispożizzjonijiet ta' kwalunkwe liġi oħra."

7. Fl-artikolu 35 tal-Att prinċipali l-kliem "imniżżel fir-reġistru" għandhom jiġu sostitwiti bil-kliem "mniżżel mill-ġdid fir-reġistru".

Emenda tal-artikolu 35 tal-Att prinċipali.

8. L-artikolu 36 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 36 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"Notifika ta' deċiżjoni tal-Kunsill u appell minnha.

(1) Fil-każ ta' kwalunkwe deċiżjoni meħuda mill-Kunsill rilevanti kontra persuna sussegwentement għal deċiżjoni tal-Kumitat Dixxiplinarju skont l-artikoli 32, 35 jew 38, ir-reġistratur tal-Kunsill rispettiv għandu, fi żmien erbatax (14)-il jum mit-teħid ta' kwalunkwe tali deċiżjoni mill-Kunsill rilevanti, jinnotifika lill-persuna kkonċernata b'tali deċiżjoni u għandu, fi żmien wieħed u għoxrin (21) jum, jinnotifika wkoll lill-awtoritajiet kompetenti ta' kull Stat Membru b'dik id-deċiżjoni.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Kwalunkwe deċiżjoni imposta mill-Kunsill rilevanti għandha tkun eżegwibbli unikament mal-iskadenza tat-terminu preskritt fis-subartikolu (4), jew f'każ li jiġi pprezentat rikors tal-appell, hekk kif l-appell jiġi deċiż b'mod finali mill-Qorti tal-Appell (Kompetenza Inferjuri).";

(ċ) fil-paragrafu (a) tas-subartikolu (3) tiegħu l-kliem "subartikolu (2)" għandhom jiġu sostitwiti bil-kliem "subartikolu (1)";

(d) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-

subartikolu ġdid li ġej:

Kap. 12. "(4) Il-persuna kkonċernata tista' fi kwalunkwe waqt fi żmien tletin (30) jum mid-data tan-notifika skont is-subartikolu (3), tappella lill-Qorti tal-Appell (Kompetenza Inferjuri) kostitwita skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, fuq punti ta' fatt u ta' liġi.";

(e) minnufih wara s-subartikolu (8) tiegħu għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

"(9) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha, mingħajr dewmien, tappunta d-data għas-smiġh tal-appell, liema data ma għandha fl-ebda każ tkun iktar tard minn tliet (3) xhur mid-data tal-preżentata tal-imsemmi appell.

(10) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tisma' u tiddeċiedi l-appell fi żmien sitt (6) xhur mid-data stabbilita għall-ewwel smiġh tal-appell. Ma għandu jingħata l-ebda differiment lil hinn mill-imsemmija sitt (6) xhur hlief bil-kunsens kemm tal-appellant kif ukoll tal-appellat jew għal raġuni eċċezzjonali li għandha tiġi rreġistrata mill-Qorti u tali data ta' differiment ma għandhiex tkun aktar tardiva minn dak li hu raġonevolment ġustifikat."

Emenda tal-artikolu 38 tal-Att prinċipali.

9. L-artikolu 38 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tal-artikolu 38 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Jekk wara l-investigazzjoni u l-proċeduri dixxiplinarji jiġi stabbilit mill-Kumitat Dixxiplinarju li professjonist fil-kura medika ma jkunx kapaċi jkompli jeżerċita l-professjoni tiegħu minħabba xi inkapaċità fiżika jew mentali, il-Kunsill rilevanti għandu jordna li ismu jiġi kkancellat mir-registru rilevanti.";

(b) fil-verżjoni bl-Ingliż biss, fis-subartikolu (4) tiegħu l-kelma "inquiry" għandha tiġi sostitwita bil-kelma "investigation".

Żieda ta' artikolu ġdid fl-Att prinċipali.

10. Minnufih wara l-artikolu 38 tal-Att prinċipali għandu jiġi

miżjud l-artikolu ġdid li ġej:

"Miżuri interim.

38A. (1) Il-Kunsill rilevanti jista', fil-kors tal-investigazzjoni u qabel jippreżenta rikors sabiex jiġu inizjati l-proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju, jadotta f'każijiet urġenti, miżuri interim minhabba r-riskju ta' dannu serju u irreparabbli lir-reputazzjoni u l-integrità tal-professjoni tal-kura medika, il-benesseri tal-parti leża jew is-sigurtà pubblika b'mod generali:

Iżda l-Kunsill rilevanti għandu biss jaddotta miżuri interim jekk ikun sodisfatt illi *prima facie* jkun jidher li kien hemm kwalunkwe waħda mir-raġunijiet imsemmija fil-paragrafi (a), (b) u (c) tal-artikolu 32(1), l-artikolu 35 u l-artikolu 38(1).

(2) Id-deċiżjoni tal-Kunsill rilevanti sabiex jaddotta miżuri interim għandha tkun eżegwibbli minnufih malli tittiehed tali deċiżjoni. Tali miżuri għandhom ikunu bla ħsara għal kwalunkwe deċiżjoni sussegwenti li tista' tittiehed mill-Kunsill rilevanti.

(3) Il-miżuri interim għandhom ikunu proporzjonati u xierqa u għandhom japplikaw għal perjodu speċifiku ta' żmien li għandu jiġi determinat mill-Kunsill rilevanti:

Iżda l-miżuri interim jistgħu jiġu mġedda mill-Kunsill rilevanti sakemm ikunu meħtieġa u idonei:

Iżda wkoll il-miżuri interim ma għandhomx jibqgħu japplikaw kemm-il darba jkun għew adottati fil-kors ta' investigazzjoni mill-Kunsill rilevanti li sussegwentement ikun iddeċieda li ma jieħu l-ebda azzjoni ulterjuri u jagħlaq l-investigazzjoni tiegħu.

(4) Id-deċiżjoni tal-Kunsill rilevanti skont is-subartikolu (1) għandha tiddikjara l-fatti kollha magħrufa minnu u r-raġunijiet għaliex iqis li l-adozzjoni tal-miżuri interim hija meħtieġa.

(5) Id-deċiżjoni tal-Kunsill rilevanti skont is-subartikolu (1) jew kwalunkwe estensjoni skont l-ewwel proviso tas-subartikolu (3) għandha tiġi notifikata lill-persuna kkonċernata mir-registratur tal-Kunsill rilevanti fi żmien jumejn (2) mid-data tat-teħid tad-deċiżjoni mill-Kunsill rilevanti.

(6) Ir-reġistratur tal-Kunsill rilevanti għandu fi żmien sitt (6) ijiem mid-data tal-adozzjoni tal-miżuri interim skont is-subartikolu (1) jinnotifika lill-awtoritajiet kompetenti ta' kull Stat Membru dwar kwalunkwe tali miżuri interim adottati, u l-persuna kkonċernata tista', fi żmien sitt (6) ijiem mid-data tan-notifika tal-miżuri interim, tipprezenta talba għal konsiderazzjoni mill-ġdid lill-Kunsill rilevanti li fiha tinkludi r-raġunijiet għall-istess:

Iżda meta ssir talba għal konsiderazzjoni mill-ġdid, il-Kunsill rilevanti għandu jieħu deċiżjoni finali fi żmien għaxart (10) ijiem mid-data tal-prezentata tal-imsemmija talba, liema deċiżjoni finali għandha tiġi notifikata lill-persuna kkonċernata skont is-subartikolu (5):

Iżda wkoll f'tali każijiet, it-terminu sabiex jiġi pprezentat rikors tal-appell skont is-subartikolu (7) għandu jibda jiddekorri mid-data tan-notifika tad-deċiżjoni finali.

(7) L-appell minn miżuri interim adottati mill-Kunsill rilevanti skont is-subartikolu (1) għandu jsir permezz ta' rikors prezentat quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) fi żmien sitt (6) ijiem mid-data tan-notifika tad-deċiżjoni, u l-Kunsill rilevanti għandu jirrispondi fi żmien sitt (6) ijiem mid-data tan-notifika ta' tali rikors.

(8) It-talba għal konsiderazzjoni mill-ġdid skont is-subartikolu (6) jew l-appell ipprezentat skont is-subartikolu (7) ma għandux ikollhom l-effett li jissospendu kwalunkwe miżuri interim imposti mill-Kunsill rilevanti.

(9) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiddeciedi dwar ir-rikors skont is-subartikolu (7) fl-inqas żmien possibbli, iżda sa mhux aktar tard minn xahar (1) mid-data tal-prezentata tar-risposta mill-Kunsill rilevanti."

Dispożizzjoni
tranżitorja.

11. B'effett mid-data tad-dhul fis-seħh ta' dan l-Att, kwalunkwe deċiżjoni, ordni jew miżura imposti mill-Kunsill rilevanti kontra persuna kkonċernata skont it-Taqsima VII tal-Att prinċipali, għandhom ikunu soġġetti għad-dritt ta' appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) skont l-artikoli 36 u 38A tal-Att prinċipali.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 387 tat-13 ta' Ottubru, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

17th October, 2025

ACT No. XXXIII of 2025

AN ACT to amend the Health Care Professions Act, Cap. 464.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and
commencement.
Cap. 464.

1. (1) The short title of this Act is the Health Care Professions (Amendment) Act, 2025 and this Act shall be read and construed as one with the Health Care Professions Act, hereinafter referred to as the "principal Act".

(2) This Act shall come into force on such date or dates as the Minister responsible for health may by notice in the Gazette establish and different dates may be so established for different provisions and, or purposes of this Act.

Amendment of
article 2 of the
principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "Council for the Professions Complementary to Medicine" there shall be added the following new definitions:

" "decision" includes any order or measure against a person in accordance with articles 32, 35 or 38;

S.L. 464.20. "Disciplinary Committee" means the Disciplinary Committee established in accordance with the Disciplinary Proceedings Regulations;";

(b) immediately after the definition "health care professional" there shall be added the following new definition:

" "interim measures" means urgent measures addressed to a health care professional or the person being investigated and issued by the relevant Council in the course of an investigation or by the Disciplinary Committee in the course of disciplinary proceedings due to the risk of serious and irreparable harm to the reputation and integrity of the health care profession, the well-being of the injured party or public safety;";

(c) immediately after the definition "overriding reasons of general interest" there shall be added the following new definition:

" "personal data" shall have the same meaning as assigned to it in Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);";

(d) immediately after the definition "professional experience" there shall be added the following new definition:

Cap. 377. " "Professional secret" or "secret" shall have the same meaning as assigned to it in the Professional Secrecy Act;";

3. Article 31 of the principal Act shall be amended as follows:

Amendment of article 31 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The relevant Council shall have the power, either on the complaint of any person or of its own motion, to investigate and subsequently, if it deems it necessary, initiate disciplinary proceedings before the Disciplinary Committee in respect of alleged professional misconduct or alleged breach of ethics by a health care professional falling under its supervision:

Provided that the relevant Council shall conclude its investigation on the conduct of the health care professional within three (3) months from receipt of the complaint or from the date when the relevant Council decides to conduct an investigation of its own motion, which period may be extended if the matter so merits, or if the investigation could not be concluded earlier, through no fault of the relevant Council, for a further period of three (3) months.";

(b) in sub-article (2) thereof the word "inquiry" shall be substituted by the word "investigation";

(c) in sub-article (3) thereof the word "inquiry" shall be substituted by the word "investigation";

(d) sub-article (4) thereof shall be substituted by the following new sub-article:

S.L. 464.20.

"(4) The disciplinary proceedings referred to in sub-article (1) before the Disciplinary Committee established in accordance with the Disciplinary Proceedings Regulations shall be concluded within a period of one (1) year from the date of filing of the application by the relevant Council before the Disciplinary Committee and no adjournment beyond the said period of one (1) year shall be permitted except for exceptional reasons to be recorded by the Disciplinary Committee."

Addition of new articles to the principal Act.

4. Immediately after article 31 of the principal Act, as amended, there shall be added the following new articles:

"Disclosure of secret information.
Cap. 9.
Cap. 377.

31A. (1) An offence shall not be committed against article 257 of the Criminal Code nor shall there be a breach of the Professional Secrecy Act by any person disclosing in good faith a professional secret or secrets to the extent that such disclosure is proportionate and reasonably required:

(a) to the relevant Council for the purposes of filing a complaint, or in connection with an investigation that shall be, or that is being carried out by the relevant Council in terms of article 31; or

(b) before the Disciplinary Committee during the course of, or in connection with disciplinary proceedings before the Disciplinary Committee.

(2) The relevant Council may order the disclosure of secret information by any person bound by professional secrecy in connection with an investigation that shall be, or that is being carried out by the relevant Council.

(3) The Disciplinary Committee may order the disclosure of secret information by any person bound by professional secrecy during, or in connection with disciplinary proceedings before the Disciplinary Committee.

Processing and submission of personal data.

31B. Without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), as amended from time to time, the collection, use, storage and transmission of personal data:

(a) to the relevant Council for the purposes of filing a complaint before it, or in connection with an investigation that shall be, or that is being carried out by such relevant Council in accordance with article 31; and

(b) to the Disciplinary Committee during, or in connection with disciplinary proceedings before it,

shall be deemed to be a necessary measure for the establishment, exercise or defence of a claim and for proceedings before the Disciplinary Committee."

5. Sub-article (1) of article 32 of the principal Act shall be amended as follows:

Amendment of article 32 of the principal Act.

(a) the words "If after due inquiry, the relevant Council has found that a health care professional falling under its authority -" shall be substituted by the words "If after due investigation and disciplinary proceedings it is established that a health care professional:";

(b) the words "the relevant Council may direct any one or more of the following measures, that is:" shall be substituted by the words "the relevant Council shall adopt, as its own decision, any one or more of the following measures taken by the Disciplinary Committee:".

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Substitution of article 33 of the principal Act.

6. Article 33 of the principal Act shall be substituted by the following:

"33. Any investigation carried out by a relevant Council and any disciplinary proceedings initiated before the Disciplinary Committee shall be without prejudice to any other criminal, civil, administrative or disciplinary proceedings which may be taken against the person concerned under the provisions of any other law."

Amendment of article 35 of the principal Act.

7. In article 35 of the principal Act the words "entered in the register" shall be substituted by the words "re-entered in the register".

Amendment of article 36 of the principal Act.

8. Article 36 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"Service of decision of Council and appeal therefrom.

(1) Where a relevant Council takes any decision, following a decision of the Disciplinary Council against a person in accordance with articles 32, 35 or 38, the registrar of the respective Council shall within fourteen (14) days from the day that any such decision is taken by the relevant Council, serve the person concerned with such decision and shall within the period of twenty-one (21) days also serve the competent authorities of each Member State with such decision.";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Any decision imposed by the relevant Council shall only be enforceable upon the expiry of the term prescribed in sub-article (4) or, in the case an appeal is filed, once the appeal decision is deemed final by the Court of Appeal (Inferior Jurisdiction).";

(c) in paragraph (a) of sub-article (3) thereof the words "sub-article (2)" shall be substituted by the words "sub-article (1)";

(d) sub-article (4) thereof shall be substituted by the

following new sub-article:

Cap. 12.

"(4) At any time within thirty (30) days from the date of service in accordance with sub-article (3), the person concerned may appeal to the Court of Appeal (Inferior Jurisdiction) constituted in accordance with article 41(9) of the Code of Organization and Civil Procedure, on points of fact and law.";

(e) immediately after sub-article (8) thereof there shall be added the following new sub-articles:

"(9) The Court of Appeal (Inferior Jurisdiction) shall without delay, appoint a date for the hearing of the appeal which date shall in no case be later than three (3) months from the date of the filing of the said appeal.

(10) The Court of Appeal (Inferior Jurisdiction) shall hear and decide the appeal within six (6) months from the date fixed for the first hearing of the appeal. No adjournment beyond the said six (6) months shall be granted except either with the consent of both the appellant and the respondent or for an exceptional reason to be recorded by the Court, and such adjourned date shall not be later than that justified by any such reason."

9. Article 38 of the principal Act shall be amended as follows:

Amendment of article 38 of the principal Act.

(a) sub-article (1) of article 38 of the principal Act shall be substituted by the following new sub-article:

"(1) If after due investigation and disciplinary proceedings it is found by the Disciplinary Committee that any health care professional is unfit to continue to practise his profession on account of some physical or mental infirmity, the relevant Council shall order that his name be erased from the appropriate register.";

(b) in sub-article (4) thereof the word "inquiry" shall be substituted by the word "investigation".

10. Immediately after article 38 of the principal Act there shall be

Addition of a new article to the principal Act.

added the following new article:

"Interim measures. 38A. (1) The relevant Council may, during the course of an investigation, and before filing an application for the initiation of disciplinary proceedings before the Disciplinary Committee, adopt interim measures in cases of urgency due to the risk of serious and irreparable harm to the reputation and integrity of the health care profession, the well-being of the injured party or public safety generally:

Provided that the relevant Council shall only adopt interim measures if it is satisfied that *prima facie* there appears to have been any of the grounds mentioned in paragraphs (a), (b) and (c) of article 32(1), article 35 and article 38(1).

(2) The decision of the relevant Council to adopt interim measures shall be enforceable immediately upon the taking of such decision. Such measures shall be without prejudice to any subsequent decision to be taken by the relevant Council.

(3) Interim measures shall be proportionate and appropriate and shall apply for a specified period of time which shall be determined by the relevant Council:

Provided that the interim measures may be renewed by the relevant Council in so far as they are necessary and appropriate:

Provided further that the interim measures shall cease to apply when the interim measures were adopted during the course of an investigation by the relevant Council and the relevant Council subsequently decides to take no further action and closes its investigation.

(4) The decision of the relevant Council in accordance with sub-article (1) shall state all the facts known to it and the reasons why it deems that the adoption of interim measures is required.

(5) The decision of the relevant Council in accordance with sub-article (1) or any extension in accordance with the first proviso to sub-article (3) shall be served on the person concerned by the registrar of the relevant Council within two (2) days from the date that the decision is delivered by the relevant Council.

(6) The registrar of the relevant Council shall within six (6) days from the date of the adoption of interim measures in accordance with sub-article (1) serve the competent authorities of each Member State with any such interim measures, and the person concerned may within six (6) days from date of service of interim measures, file a request for a reconsideration to the relevant Council stating the reasons thereof:

Provided that when a request for a reconsideration is made, the relevant Council shall issue a final decision within ten (10) days from the date of filing of the said request, which final decision shall be served on the person concerned in accordance with sub-article (5):

Provided further that in such cases, the term to file an appeal application in accordance with sub-article (7) shall commence from the date of service of the final decision.

(7) An appeal from the interim measures adopted by the relevant Council in accordance with sub-article (1) shall be filed by means of an application filed before the Court of Appeal (Inferior Jurisdiction) within six (6) days from the date of service of the decision, and the relevant Council shall reply thereto within six (6) days from the date of service of such an application.

(8) A request for reconsideration in accordance with sub-article (6) or an appeal filed in accordance with sub-article (7) shall not have the effect of suspending any interim measures imposed by the relevant Council.

(9) The Court of Appeal (Inferior Jurisdiction) shall decide on the application in accordance with sub-article (7) within the shortest time possible, but not later than one (1) month from the date of filing of the reply of the relevant Council."

11. With effect from the date of the coming into force of this Act, any decision, order or measure imposed by the relevant Council against a person concerned in accordance with Part VII of the principal Act, shall be subject to a right of appeal before the Court of Appeal (Inferior Jurisdiction) in accordance with articles 36 and 38A of the principal Act. Transitory provision.

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Passed by the House of Representatives at Sitting No. 387 of the
13th October, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives